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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 **JOHN C. PHELAN**, as an individual and
11 on behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 **LIFEWAY FOODS, INC.**, an Illinois
15 corporation

16 Defendant.

17 Case No. 12-CV-01309 EMC

18 **CLASS ACTION**

19 **[PROPOSED] ORDER GRANTING
20 STIPULATION TO CONTINUE MOTION
21 TO DISMISS HEARING AND THE CASE
22 MANAGEMENT CONFERENCE**

23 Complaint Filed: March 15, 2012
24 Hearing Date: November 2, 2012
25 Hearing Time: 9:00 a.m.
26 Dept.: Courtroom 5, 17th Floor
27 Before: Hon. Edward M. Chen

28 Upon due consideration of the parties' Stipulation to continue the Motion to Dismiss Hearing
and Case Management Conference set for November 2, 2012, and for good cause shown, the Court
hereby GRANTS the parties' Stipulation.

29 **IT IS HEREBY ORDERED THAT:**

- 30 1. Plaintiff shall have until October 19, 2012, to respond to Defendant's Motion;
- 31 2. Defendant shall have until October 26, 2012, to file a Reply in support of Defendant's
32 Motion;
- 33 3. The November 2, 2012, Motion Hearing is continued until November 20, 2012.
- 34 4. The November 2, 2012, Case Management Conference is continued until January 4,
35 2013. at 9:00 a.m. A joint CMC Statement shall be filed by December 27, 2012.

36 Dated: October 23, 2012

37 [PROPOSED] ORDER GRANTING STIPULATION TO CON-
38 DISMISS HEARING AND THE CASE MANAGEMENT CONFERENCE



39 Case No. CV 12-01309-EMC